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EXAMINER	
HOSSAIN, FARZANA E	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary

Application No.

09/973,610

Applicant(s)

BEYERS ET AL.

Examiner

Farzana E. Hossain

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1 and 4-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/02/2007 has been entered.

Response to Amendment

2. This office action is in response to communications filed 10/02/2007. Claims 1 and 4-38 are pending. Claims 1, 10, 17, 21, 24, 31, 34 and 37 are amended. Claims 2 and 3 are cancelled. Claims 4-6, 11-16, 18, 22, 23, 26, 29, 30, 32, 33, 35, 36 and 38 are previously presented. Claims 7-9, 19, 20, 25, and 27-28 are original.

Response to Arguments

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Regarding Claim 1, the applicant argues, Wine fails to disclose an exclusive trigger and that an inclusive content restriction is not equivalent to an exclusive content restriction (Pages 18-21).

In response to these arguments, Wine discloses at least one trigger having at least one content restriction (Page 5, paragraphs 0043, 0046); the content restriction enabling display of all the content except for particular media content of the plurality of media content (Page 4, paragraphs 0038, 0039, Page 5, paragraphs 0043-0046, 0050, 0051). Wine discloses that only thematically or contextually appropriate content is displayed (Page 3, paragraph 0031, Page 4, paragraph 0038, Page 4, paragraph 0042, Page 5, paragraph 0046). Wine discloses the particular media content instances associated with the at least one trigger or in France, French language advertisements are displayed and a content restriction excludes English language ads that are appropriate (Page 5, paragraph 0046). Wine does not explicitly disclose that the trigger is exclusive and an exclusive content restriction. See new rejection.

Regarding Claims 4-38, the applicant refers to arguments of Claim 1 (Pages 21-29). See response to arguments above.

4. The applicant repeats previous statement for generally traverses all findings of inherency as not having been shown to be necessarily present as well as any findings of well known art and that the claim combinations are too complex to support such conclusions (Page 26).

In response to the general traversal of all findings of inherency MPEP 2112 states:

"[T]he PTO can require an applicant to prove that the prior art products do not necessarily or inherently possess the characteristics of his [or her] claimed product. Whether the rejection is based on inherency' under 35 U.S.C. 102, on prima facie obviousness' under 35 U.S.C. 103, jointly or alternatively, the burden of proof is the same...[footnote omitted]." The burden of proof is similar to that required with respect to product-by-process claims. In re Fitzgerald, 619 F.2d 67, 70, 205 USPQ 594, 596 (CCPA 1980) (quoting In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433-34 (CCPA 1977)). Therefore, applicant's general traversal regarding all findings of inherency, official notice, findings of well-known art is not persuasive, as applicant has failed to meet the burden of proof.

The following response is repeated from the last office action. The Microsoft Computer Dictionary (4th edition) defines logic – in programming, the assertions, assumptions and operations that define what a given program does. Defining the logic of a program is often the first step in developing the program's source code. Wine discloses the method and performs the functions of independent claims 21, 24, 31, 34, and 37. As Wine performs these functions, the STS, the STS headend, the STS client device must include logic as otherwise the functions cannot be performed.

Claim Objections

5. Claim 23 objected to because of the following informalities:

Claim 23 recites, "the particular advertisement is an image of a scene item, and wherein the priority event is a scene displayed in the video stream where the scene item is represented."

Applicant's specification discloses on the other hand an inclusive content restriction or that when a priority event is a scene item that is displayed and the advertisement is an image that is displayed (Page 11, lines 15-34, Page 12, lines 1-3, Page 18, lines 21-34, Page 19, lines 1-3, Page 21, lines 1-19). The applicant pointed to Page 12, lines 4-19 to point to a section of exclusive restriction.

The examiner did not state that there are no exclusive restrictions. Claim 23 now discloses that an advertisement with a scene item is excluded and all other content is displayed. Therefore, the scene item, which can be an item of Company X, is excluded and any competitor of Company X competitor can display content. The applicant's specification discloses the opposite for this specific claim limitation and discloses an inclusive claim limitation (Page 12, lines 20-28, Page 21, lines 1-19).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the

limitations of the claim to which it refers.

7. Claim 6 is rejected under 35 U.S.C. 112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of a previous claim. the claim(s) contains subject matter which was not does not incorporate by reference to the claim to which it refers.

Claim 1 recites an exclusive content restriction. Claim 6 now further broadens the claim by disclosing: "the content restriction...of at least one particular inclusive content restriction and one particular exclusive content restriction.." Therefore, the exclusive content restriction is an inclusive and exclusive content restriction.

The above limitation would therefore not change the meaning of the trigger and content restriction of independent claim 1 as therefore an exclusive trigger can include exclusive and inclusive restrictions.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1, 4-9, 17-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wine et al (US 2002/0004839 and hereafter referred to as "Wine") in view of Zigmond et al (US 6,698,020 and hereafter referred to as "Zigmond").

Regarding Claim 1, Wine discloses a method in a subscriber television system (STS) (Figure 5, 190), the method comprising the steps of: providing a plurality of media content instances to be displayed to a subscriber (Figure 5, Page 4, paragraph 0035, 0041); providing at least one trigger synchronized with a first media content instance of the plurality of media content instances (Page 5, paragraphs 0050, 0051); the at least one trigger comprising at least one unique identifier or synchronized timing information (Page 5, paragraph 0049), enabling at least one content restriction responsive to a reception of the at least one trigger or VBI token (Page 3, paragraph 0031, Page 4, paragraph 0038, Page 5, paragraphs 0045, 0050, 0051), the content restriction enabling display of all the content except for particular media content of the plurality of media content instances, the particular media content instances associated with the at least one trigger (Page 4, paragraphs 0038, 0039, Page 5, paragraphs 0043-0046, 0050, 0051). Wine does not explicitly disclose that the trigger is exclusive, enabling an exclusive content restriction for all content except for particular media content instances.

In analogous art, Zigmond discloses the trigger is exclusive, enabling an exclusive content restriction for all content except for particular media content instances or all content except competing companies are excluded from display (Column 14, lines 13-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wine to include an the trigger is exclusive,

enabling an exclusive content restriction for all content except for particular media content instances or all content except competing companies that are excluded from display (Column 14, lines 13-17) as taught by Zigmond in order to increase advertising revenues (Column 1, lines 23-35) as disclosed by Zigmond.

Regarding Claim 17, Wine discloses a method in a STS (Figure 5, 190), the method comprising the steps of: inserting, within an available insertion area in at least one transport stream (Page 4, paragraph 0042, Page 5, paragraph 0050), at least one trigger having at least one content restriction (Page 5, paragraphs 0043, 0046); the content restriction enabling display of all the content except for particular media content, the particular content associated with the at least one trigger (Page 4, paragraphs 0038, 0039, Page 5, paragraphs 0043-0046, 0050, 0051), and distributing the at least one transport stream with the at least one trigger to a plurality of client devices (Page 3, paragraph 0028). Wine does not explicitly disclose that the trigger is exclusive. In analogous art, Zigmond discloses the trigger is exclusive which enabling an exclusive content restriction for all content except for particular media content instances or all content except competing companies are excluded from display (Column 14, lines 13-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wine to include an the trigger is exclusive (Column 14, lines 13-17) as taught by Zigmond in order to increase advertising revenues (Column 1, lines 23-35) as disclosed by Zigmond.

Regarding Claim 21, Wine discloses a method in a STS (Figure 5, 190), the method comprising the steps of: providing a plurality of media content instances to be

displayed to a subscriber (Page 3, paragraph 0028), a first media content instance of the plurality of media content instances being a video stream and a second media content instance of the plurality of media content instances being a particular advertisement (Pages 4-5, paragraphs 0042, 0049- 0051); providing at least one trigger synchronized with a priority event or content being displayed in the video stream (Page 5, paragraphs 0047, 0050, 0051); enabling display of all media content instances while excepting the particular advertisement or content which is not appropriate from being displayed simultaneously with the priority event in the video stream, the particular content or advertisement associated with the at least one trigger (Page 4, paragraphs 0038, 0039, Page 5, paragraphs 0043-0046, 0050, 0051). Wine does not explicitly disclose that the trigger is exclusive. In analogous art, Zigmond discloses the trigger is exclusive which enabling an exclusive content restriction for all content except for particular media content instances or all content except competing companies are excluded from display (Column 14, lines 13-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wine to include an the trigger is exclusive (Column 14, lines 13-17) as taught by Zigmond in order to increase advertising revenues (Column 1, lines 23-35) as disclosed by Zigmond.

Regarding Claims 24 and 34, Wine discloses a system in a STS (Figure 5, 208) and a system in a STS headend device (Figure 5, 208), the system comprising: a web server inserts VBI tokens into the audio visual stream using a retrieved control file to form an encoded multimedia stream that can transmit the stream to a web server (Page

5, paragraph 0050, 0051) which necessarily includes that the web server (Figure 5, 208) contain a processor as the server processes the control file stored in some form of memory (Page 4, paragraph 0034) to generate the encoded multimedia stream. Wine discloses the server providing at least one trigger synchronized with a first media content instance of the plurality of media content instances (Page 5, paragraphs 0050, 0051); the at least one trigger comprising at least one unique identifier or synchronized timing information (Page 5, paragraph 0049), enabling at least one content restriction responsive to a reception of the at least one trigger or VBI token (Page 3, paragraph 0031, Page 4, paragraph 0038, Page 5, paragraphs 0045, 0050, 0051), the at least one content restriction enabling display of all the content except for particular media content of the plurality of media content instances, the particular media content instances associated with the at least one trigger (Page 4, paragraphs 0038, 0039, Page 5, paragraphs 0043-0046, 0050, 0051). The Microsoft Computer Dictionary (4th edition) defines logic – in programming, the assertions, assumptions and operations that define what a given program does. Defining the logic of a program is often the first step in developing the program's source code. Therefore, the web server must also contain logic for executing the above methods. Wine does not explicitly disclose that the trigger is exclusive. In analogous art, Zigmond discloses the trigger is exclusive which enabling an exclusive content restriction for all content except for particular media content instances or all content except competing companies are excluded from display (Column 14, lines 13-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wine to include an the

trigger is exclusive (Column 14, lines 13-17) as taught by Zigmond in order to increase advertising revenues (Column 1, lines 23-35) as disclosed by Zigmond.

Regarding Claim 31, Wine teaches a system in a STS client device or personal computer (Figure 5, 210, Page 4, paragraph 0040). Wine comprises that VBI tokens and synchronization timing information are exported into a control file and the control file contains data needed by servlets and applets to control the browsers 210 executed by personal computers (Page 5, paragraphs 0048, Page 7, paragraph 0047). Therefore, the control file contains logic for controlling the browser and the personal computer STS client device contains a processor that executes the logic of the control file, where it is the control file is stored in storage or some form of memory when the client receives the control file (Page 2, paragraphs 0015, 0016, Page 7, paragraph 0087). Wine also teaches that the STS client device comprises logic configured to provide a plurality of media content instance to be displayed to a subscriber as the web browser displays the audio-visual stream together with the accompanying content to the viewer. Wine teaches the server comprises logic providing at least one trigger synchronized with a first media content instance of the plurality of media content instances (Page 5, paragraphs 0050, 0051); the at least one trigger comprising at least one unique identifier or synchronized timing information (Page 5, paragraph 0049), enabling at least one content restriction responsive to a reception of the at least one trigger or VBI token (Page 3, paragraph 0031, Page 4, paragraph 0038, Page 5, paragraphs 0045, 0050, 0051), the content restriction enabling display of all the content except for particular media content instances of the plurality of media content instances, the particular

media content instances associated with the at least one trigger (Page 4, paragraphs 0038, 0039, Page 5, paragraphs 0043-0046, 0050, 0051). Wine teaches that the logic can be sent to the client for execution (Page 7, paragraph 0087). The Microsoft Computer Dictionary (4th edition) defines logic – in programming, the assertions, assumptions and operations that define what a given program does. Defining the logic of a program is often the first step in developing the program's source code. Therefore, the client can process the logic that the web server can perform as discussed in claims 1 and 24. Wine does not explicitly disclose that the trigger is exclusive. In analogous art, Zigmond discloses the trigger is exclusive which enabling an exclusive content restriction for all content except for particular media content instances or all content except competing companies are excluded from display (Column 14, lines 13-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wine to include an the trigger is exclusive (Column 14, lines 13-17) as taught by Zigmond in order to increase advertising revenues (Column 1, lines 23-35) as disclosed by Zigmond.

Regarding Claims 37, Wine discloses a system in a STS headend (Figure 5, 208), the system comprising: a web server inserts VBI tokens into the audio visual stream using a retrieved control file to form an encoded multimedia stream that can transmit the stream to a web server (Page 5, paragraph 0050, 0051) which necessarily includes that the web server (Figure 5, 208) contain a processor as the server processes the control file stored in some form of memory or database (Page 4, paragraph 0034) to generate the encoded multimedia stream. Wine discloses the

server providing at least one trigger synchronized with a first media content instance of the plurality of media content instances (Page 5, paragraphs 0050, 0051). See rejection of Claims 24 and 34. Wine teaches the logic configured to allow the STS headend to receive and distribute at least one transport stream or multimedia stream or audiovisual stream to a plurality of client devices (Page 3, paragraph 0028). Wine teaches that the STS headend or web server is configured to receive audio-visual steam or transport stream from data servlet (Figure 5, 206) (Page 5, paragraph 0050) and that the headend communicates with client devices or personal computers executing web applications (Page 4, paragraph 0040, Figure 5, 210) and transmits the encoded transport streams to the web browsers (Figure 5, 210). Wine discloses that headend comprises an administrative content control module or unit that encodes VBI tokens into an audiovisual stream (Page 5, paragraphs 0048-0051). Wine also teaches that the web server enables at least one trigger to be synchronized with an available insertion area in the transport area in the transport stream (Page 5, paragraph 0050), the at least one trigger or VBI token comprising at least one content restriction (Page 3, paragraph 0031, Page 4, paragraph 0038, Page 5, paragraphs 0045, 0050, 0051), the content restriction enabling display of all media content instances except for particular media content of the plurality of media content instances, the particular media content instances associated with the at least one trigger (Page 4, paragraphs 0038, 0039, Page 5, paragraphs 0043-0046, 0050, 0051). The Microsoft Computer Dictionary (4th edition) defines logic – in programming, the assertions, assumptions and operations that define what a given program does. Defining the logic of a program is often the first step

in developing the program's source code. Therefore, the web server must also contain logic for executing the above methods. Wine does not explicitly disclose that the trigger is exclusive. In analogous art, Zigmond discloses the trigger is exclusive which enabling an exclusive content restriction for all content except for particular media content instances or all content except competing companies are excluded from display (Column 14, lines 13-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wine to include an the trigger is exclusive (Column 14, lines 13-17) as taught by Zigmond in order to increase advertising revenues (Column 1, lines 23-35) as disclosed by Zigmond.

Regarding Claims 4, 27, 32 and 35, Wine and Zigmond disclose all the limitations of Claims 1, 24, 31 and 34 respectively. Wine discloses VBI tokens at the appropriate locations in the audio-visual streams using synchronized timing information in the control file to synchronize the presentation of the accompanying content with the presentation of the audio-visual content (Page 5, paragraphs 0046, 0047, 0050). Wine disclose the at least one content restriction requires a second media content instance of the plurality of media content instances to be excluded from display for a time period or second media content that is contextually appropriate to the audio-visual stream is displayed during the current presentation of the audio-visual stream or content that does not correspond to the audio-visual stream is excluded during the display of the audio-visual stream or until the audio-visual stream changes or the excluded simultaneously with the first media content (Pages 4-5, paragraphs 0042, 0050).

Regarding Claim 5, 28, 33 and 36, Wine and Zigmond disclose all the limitations of Claims 4, 27, 32 and 35 respectively. See rejection of Claim 4. Wine discloses wherein the time period is equal to the length of the display of the first media content instance of the plurality of media content instances or the time of exclusion equals to the time for displaying the current VBI token contextually relating to the audio visual stream because the accompanying VBI tokens would be displayed instead of the current VBI token when the context of the audio-visual stream changes (Pages 4-5, paragraphs 0042, 0046, 0050) and wherein the particular second media content instance of the plurality of media content instances is excluded from display during the display of the first media content instance of the plurality of media content instances (Pages 4-5, paragraphs 0042, 0046, 0050). See rejection of Claim 26.

Regarding Claim 6, Wine and Zigmond disclose all the limitations of Claim 1. Wine discloses further comprising the step of: implementing the at least one content restriction to be a hierarchy of at least one inclusive content restriction or restricting accompanying content that is contextually appropriate to the audio-visual stream to be included Page 3, paragraphs 0030-0031, Page 4, paragraphs 0034, 0038); and at least one exclusive content restriction or restricting accompanying content that is not contextually appropriate to the audio-visual stream to be excluded and also if no thematically available content is located in the ad server, it is retrieved from another source so that non-thematically appropriate content is excluded from being displayed (Page 3, paragraphs 0030-0031, Page 4, paragraphs 0034, 0038). Wine discloses enabling the at least one inclusive content restriction to require the display, if available,

of a second media content instance of the plurality of media content instances designated by the at least one inclusive content restriction (Page 4, paragraph 0034); and enabling the at least one exclusive content restriction if the particular second media content instance of the plurality of media content instances is not available (Page 3, paragraphs 0030-0031, Page 4, paragraphs 0034, 0038), the at least one content restriction allowing the display of any of the plurality of media content instances not particularly excluded by the exclusive content restriction (Page 4, paragraph 0034, 0035, 0038).

Regarding Claims 7 and 29, Wine and Zigmond disclose all the limitations of Claims 1 and 24 respectively. Wine discloses the at least one trigger includes the at least one content restriction (Page 3, paragraph 0031, Pages 4-5, paragraphs 0042, 0046, 0047, 0050, 0051).

Regarding Claim 8, Wine and Zigmond disclose all the limitations of Claim 1. Wine discloses the at least one trigger comprises information indicating the location of at least one media content instance needed to satisfy the at least one content restriction (Page 5, paragraphs 0050, 0051, Page 3, paragraph 0030).

Regarding Claims 9 and 30, Wine and Zigmond disclose all the limitations of Claims 1 and 24 respectively. Wine discloses the at least one trigger comprises at least one media content instance needed to satisfy the at least one content restriction ((Page 5, paragraphs 0050, 0051, Page 3, paragraphs 0030, 0031).

Regarding Claim 18, Wine and Zigmond disclose all the limitations of Claim 17. Wine discloses at least one content restriction excludes the insertion of at least one

designated media content instance and wherein the designated media content instance is excluded from the available insertion area in the at least one transport stream or only appropriately content are inserted into the available inserting area such that if the content is not appropriate they are excluded from display (Pages 3-5, paragraph 0030-0034, 0038, 0042, 0046, 0050, 0051).

Regarding Claim 19, Wine and Zigmond disclose all the limitations of Claim 18. Wine discloses the at least one designated media content instance is a local commercial or the advertisements are based on the location (Page 5, paragraph 0046).

Regarding Claim 20, Wine and Zigmond disclose all the limitations of Claim 17. Wine discloses the at least one content restriction is an exclusive content restriction requiring the exclusion of at least one designated media content instance (Pages 3-5, paragraph 0030-0034, 0038, 0042, 0046, 0050, 0051).

Regarding Claim 22, Wine and Zigmond disclose all the limitations of Claim 21. Wine discloses the advertisement is selectable by the subscriber or according to user preferences (Page 5, paragraph 0046, Page 6, paragraph 0055).

Regarding Claim 23, Wine and Zigmond disclose all the limitations of Claim 21. Wine discloses the advertisement is an image of a scene item, and wherein the priority event is a scene displayed in the video stream where the scene item is represented or contextually appropriate to the audio-visual stream based on the timing of the presentation to synchronize the accompanying content (Page 3, paragraph 0025, Page 4, paragraph 0038 Page 5, paragraph 0050). (Claim as understood by Applicant's specification.)

Regarding Claim 25, Wine and Zigmond disclose all the limitations of Claim 24. Wine discloses the least one content restriction requires a second media content instance of the plurality of media content instances to be displayed for a time period (Page 3, paragraph 0030, Page 5, paragraphs 0047, 0050).

Regarding Claim 26, Wine and Zigmond disclose all the limitations of Claim 25. Wine discloses the time period is equal to the length of the display of the first media content instance of the plurality of media content instances or displaying accompanying content or second media content for the time it is triggered to the time new first media content is displayed (Page 3, paragraph 0030, Page 5, paragraphs 0047, 0050). Wine discloses the second media content instance of the plurality of media content instances is displayed simultaneously with the first media content instance of the plurality of media content instances as the second media content is triggered to be displayed with the first media content or audio visual stream and the second media content is displayed with content to which it corresponds at the time it is playing (Page 3, paragraph 0030, Page 5, paragraphs 0047, 0050).

Regarding Claim 38, Wine and Zigmond disclose⁷ all the limitations of Claim 37. Wine discloses the at least one content restriction excludes the insertion of at least one designated media content or restricting accompanying content that is not contextually appropriate to the audio-visual stream to be excluded and also if no thematically available content is located in the ad server, it is retrieved from another source so that non-thematically appropriate content is excluded from being displayed (Page 3, paragraphs 0030-0031, Page 4, paragraphs 0034, 0038) and wherein the administrative

content control module allows the insertion of the least one designated media content into the available insertion area in the transport stream (Page 3, paragraphs 0030-0031, Page 4, paragraphs 0034, 0038).

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wine in view of Zigmond and Birdwell et al (US 6,108,706 and hereafter referred to as "Birdwell").

Regarding Claim 10, Wine discloses a method in a STS (Figure 5, 190), the method comprising the steps of: providing a plurality of media content instances to be displayed to a subscriber (Figure 5, Page 4, paragraph 0035, 0041); providing at least one trigger synchronized with a first media content instance of the plurality of media content instances (Page 5, paragraphs 0050, 0051); the at least one trigger comprising at least one unique identifier or synchronized timing information (Page 5, paragraph 0049), enabling at least one content restriction responsive to a reception of the at least one trigger or VBI token (Page 3, paragraph 0031, Page 4, paragraph 0038, Page 5, paragraphs 0045, 0050, 0051). Wine discloses enabling at least one content control module in the web server (Figure 5, 208) which comprises a database or control file (Page 5, paragraphs 0048) of a plurality of values or time stamp values for plurality of unique identifiers or synchronization timing information (Page 5, paragraphs 0047, 0050, 0051), the plurality of values being individually matched with a corresponding content restriction or restriction on displaying only appropriate content (Page 3, paragraph 0031, Page 4, paragraph 0038, Page 5, paragraphs 0045, 0050, 0051). Wine teaches that the control file with values is sent to the client device for execution by

the client device (Page 7, paragraph 0087, Figure 5, 210). Wine discloses that the content restriction enabling display of all the content except for particular media content of the plurality of media content (Page 4, paragraphs 0038, 0039, Page 5, paragraphs 0043-0046, 0050, 0051). Wine disclose receiving the at least one trigger at the client device (Page 5, paragraph 0045, 0047, 0048, Page 7, paragraph 0087); interpreting a value of the at least one trigger from the control file (Page 5, paragraph 0047); and enabling the control file to reference the value (Page 7, paragraph 0087) and determine at least one enabled content restriction (Page 3, paragraph 0031, Page 4, paragraph 0038, Page 5, paragraphs 0045, 0050, 0051). Wine discloses the content restriction enabling display of all the content except for particular media content of the plurality of media content instances, the particular media content instances associated with the at least one trigger (Page 4, paragraphs 0038, 0039, Page 5, paragraphs 0043-0046, 0050, 0051). Wine does not explicitly disclose that the trigger is exclusive. Wine is silent on at least one content control module in the client device and the control module comprising a database with values. In analogous art, Zigmond discloses the trigger is exclusive which enabling an exclusive content restriction for all content except for particular media content instances or all content except competing companies are excluded from display (Column 14, lines 13-17). Birdwell discloses a content control module in the client device (Figure 2, 42, 60, 62, 64), the at least one content module comprising a database or memory of a plurality of values of unique identifiers including criteria and/or profile information (Figure 2, 42, 44 60, 62, 64, Column 5, lines 15-39, Column 6, lines 32-44, Column 7, lines 51-64). Birdwell providing at least one content

restriction responsive to reception of the at least one trigger (Column 5, lines 15-25), the content restriction enabling display of media content instances except for particular media content instance, the particular media content instances associated with the at least one trigger (Column 6, lines 32-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wine to include an the trigger is exclusive (Column 14, lines 13-17) as taught by Zigmond in order to increase advertising revenues (Column 1, lines 23-35) as disclosed by Zigmond. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a content control module in the client device (Figure 2, 42, 60, 62, 64), the at least one content module comprising a database of a plurality of values of unique identifiers (Figure 2, 42, 44 60, 62, 64, Column 5, lines 15-39, Column 6, lines 32-44, Column 7, lines 51-64) as taught by Birdwell in order to provide clients with media content instances that relate to the users (Column 2, lines 6-17) and to provide a system which allows a client system to perform processes for user related information if data can not be supported by the broadcast network (Column 1, lines 21-48) as disclosed by Birdwell.

11. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wine in view of Zgimond and Birdwell as applied to claim 10 above, and further in view of Sahota (US 2002/0010928).

Regarding Claim 11, Wine, Zigmond and Birdwell disclose all the limitations of Claim 10. Wine discloses the client device displays a screen display comprising an

application interface (Figure 4, 32), an advertisement banner (Figure 4, 36), and a video stream, the video stream displaying a first media content instance of the plurality of media content instances (Page 4, paragraphs 0034, 0036, 0038). Wine and Birdwell is silent on the first media content instance of the plurality of media content instances being a commercial. Sahota discloses a television or TV can receive and display Internet advertisement content integrated with TV commercial (Page 3, paragraph 0036, Page 1, paragraphs 0016, 0017). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the combination to include the first media content to be a commercial (Page 3, paragraph 0036, Page 1, paragraphs 0016, 0017) as taught by Sahota in order to save production time of the broadcasters (Page 1, paragraph 0005) as disclosed by Sahota and to provide viewers with advertisements for sponsors' products in order to cover production costs of the programming.

Regarding Claim 12, Wine, Zigmond, Birdwell and Sahota disclose all the limitations of Claim 11. Wine teaches the content restriction excludes the display of the second media content instance of the plurality of media content instances in the advertisement banner (Pages 3-5, paragraph 0030-0034, 0038, 0042, 0046, 0050, 0051).

Regarding Claim 13, Wine, Birdwell and Sahota disclose all the limitations of Claim 12. Wine discloses wherein the second media content instance of the plurality of media content instances is associated with a competitor funding entity of the

commercial or if only accompanying content can be of the same sponsor such as the Toronto Maple Leafs can be displayed if the funding entity is another entity it is contextually appropriate and will be excluded (Page 4, paragraphs 0038, 0039).

Regarding Claim 14, Wine, Zigmond, Birdwell and Sahota disclose all the limitations of Claim 11. Wine discloses the enabled content restriction is allows the display of any of the plurality of media content instances in the advertisement banner not excluded by the exclusive content restriction (Pages 3-5, paragraph 0030-0034, 0038, 0042, 0046, 0050, 0051).

Regarding Claim 15, Wine, Zigmond, Birdwell and Sahota disclose all the limitations of Claim 14. Wine discloses wherein at least one of the plurality of media content instances excluded by the content restriction is media content associated with a competitor of a funding entity of the commercial or if only accompanying content can be of the same sponsor such as the Toronto Maple Leafs can be displayed if the funding entity is another entity it is contextually appropriate and will be excluded (Page 4, paragraphs 0038, 0039).

Regarding Claim 16, Wine, Zigmond, Birdwell and Sahota disclose all the limitations of Claim 11. Wine discloses that the enabled content restriction is an inclusive/exclusive combination content restriction (Pages 3-5, paragraph 0030-0034, 0038, 0042, 0046, 0050, 0051), and wherein the inclusive/exclusive combination content restriction requires the display of a second media content instance of the plurality of media content instances in the advertisement banner if available (Pages 3-5, paragraph 0030-0034, 0038, 0042, 0046, 0050, 0051), the second media content

instance of the plurality of media content instances being associated with a funding entity of the commercial (Page 4, paragraphs 0038, 0039), if the second of the media content is not available, then the inclusive/exclusive combination content restriction requires the display of a third of the plurality of media content instances in the advertisement banner, the third of the plurality of media content instances being any media content not associated with a competitor of a funding entity of the commercial (Page 4, paragraphs 0038, 0039). See rejections of Claims 13 and 15.

12. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wine in view of Zigmond as applied to Claim 21 in further view of Jeannin et al (US 2002/0083469 and hereafter referred to as "Jeannin").

Regarding Claim 23, Wine and Zigmond disclose all the limitations of Claim 21. Wine and Birdwell are silent on the particular advertisement is an image of a scene item, and wherein the priority event is a scene displayed in the video stream where the scene item is represented. Jeannin discloses the particular advertisement is an image of a scene item, and wherein the priority event is a scene displayed in the video stream where the scene item is represented (Pages 2-4, paragraph 0017, 0031, 0039).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the particular advertisement is an image of a scene item, and wherein the priority event is a scene displayed in the video stream where the scene item is represented (Pages 2-4, paragraph 0017, 0031,

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0039) as taught by Jeannin in order to provide skip advertisements not of interest (Page 1, paragraph 0006, Pages 3-4, paragraph 0039) as disclosed by Jeannin.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:00 am to 3:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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FEH

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